THE BOMBAY FAMINE RELIEF FUND ACT, 1936.

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BOMBAY ACT No. XIX OF 1936.[1]

[THE BOMBAY FAMINE RELIEF FUND ACT, 1936.]

[*5th December 1936.*]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 13 of 1939.

Amended by Bom. 9 of 1940.*

An Act to provide for the establishment and maintenance in the Presidency of Bombay of a Fund, called the Bombay Famine Relief Fund, for meeting expenditure at the time of serious famine or of distress caused by serious drought, flood or other natural calamities in the said Presidency.

WHEREAS it is expedient to provide for the establishment and maintenance in the Presidency of Bombay of a Fund for utilisation on occasions of serious famine and of distress caused by serious drought, flood or other natural calamities in the said Presidency; And whereas the previous sanction of the Governor required by section 80C of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

5 & 6 Geo. V, c. 61.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Famine Relief Fund Act, 1936.

(*2*) It extends to the whole of the Presidency of Bombay.

(*3*) This section shall come into force at once. The remaining provisions of this Act shall come into force on such date as the [2][Provincial Government] may, by notification in the [3][*Official Gazette*], appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Fund" means the Bombay Famine Relief Fund established under section 3; and

(*2*) "Presidency" means the Presidency of Bombay.

Establishment of the Bombay Famine Relief Fund.

3. On the commencement of this Act, the [2][Provincial Government] shall establish in and for the Presidency a Fund called "The Bombay Famine Relief Fund". The Fund shall consist of—

(*i*) the securities of the [4][Central Government] mentioned in section 4;

(*ii*) the interest which may from time to time accrue on such securities;

(*iii*) such other sums as the [2][Provincial Government] may from time to time contribute to the Fund under sub-section (*2*) of section 7 or otherwise; and

(*iv*) the interest which may from time to time accrue on the securities of the [4][Central Government] in which the sums to the credit of the Fund may be invested or reinvested under section 6.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1936, Part V, pp. 190-191; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1936, Vol. XLV.

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[4] The words "Central Government" were substituted for the words "Government of India", *ibid.*

*This Act was re-enacted by Bom. 16 of 1947, s. 2.

Withdrawal of the Famine Relief Fund and its investment in securities of the Central Government.

4. The [1][Provincial Government] shall, on the commencement of this Act, apply to the [2][Central Government] for permission to withdraw the balance to their credit in the Famine Relief Fund maintained under rule 29 of the Devolution Rules made under the Government of India Act and on such permission being accorded, the [1][Provincial Government] shall, after setting apart from the balance so withdrawn, such sum as may be required during the remaining portion of the financial year 1936-37 for the grant of loans to cultivators and for meeting the expenditure on the relief of famine, if any, in the Presidency, invest the balance in securities of the [3][Central Government] in the name of the Secretary to the Government of Bombay, Finance Department. 5 & 6 Geo. V, c. 61.

Purposes for which the Fund may be utilised.

5. The Fund shall not be expended except upon—

(*i*) the relief of serious famine in the Presidency; and

(*ii*) the relief of distress caused by serious drought, flood or other natural calamities in the Presidency:

Provided that when the Fund exceeds sixty-three lakhs of rupees, the [1][Provincial Government] may utilise the excess to meet expenditure on protective irrigation works and other works for the prevention of famine in the Presidency, or for the grant of loans to cultivators either under the Land Improvement Loans Act, 1883, or under the Agriculturists' Loans Act, 1884, or for relief purposes, or in the repayment of advances made by the [3][Central Government] or to meet irrecoverable balances of loans granted under the said Acts or for relief purposes. XIX of 1883. XII of 1884.

Investment and reinvestment of amounts not required.

6. The [1][Provincial Government] shall from time to time invest or re-invest [4][in Government securities as defined in section 2 (*a*) of the Indian Securities Act, 1920, or in securities specified in clause (*c*) or (*d*) of section 20 of the Indian Trusts Act, 1882] all sums to the credit of the Fund, which may not be immediately required for any of the purposes mentioned in section 5. X of 1920. II of 1882.

Accounts of the Fund and making up of the deficiency in the Fund.

7. (*1*) The accounts of the Fund shall be made up at the end of each financial year, the securities belonging to the Fund being valued at their market value on the last day of such year.

(*2*) If the accounts so made up show that the balance in the Fund at the end of such year falls short of sixty-three lakhs of rupees, the deficiency shall be made up from the revenues of the Province:

Provided that if the deficiency exceeds ten lakhs of rupees, it may be made up in annual instalments, the amount of each instalment except the last being not less than ten lakhs of rupees.

[5][(*3*) The expenditure incurred by the Provincial Government under sub-section (*2*) shall be charged on the revenues of the Province.]

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[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Central Government" were substituted for the words "Governor General in Council", *ibid.*

[3] The words "Central Government" were substituted for the words "Government of India", *ibid.*

[4] These words were substituted for the words "in securities of the Central Government" by Bom. 9 of 1940, s. 2, read with Bom. 16 of 1947, s. 2.

[5] This sub-section was inserted by Bom. 13 of 1939, s. 4.